

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
December 1, 2015 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER GREG GRAVES
EXCUSED: COMMISSIONER WILLIAM C. LEE, VICE-CHAIR

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney
Haley Christensen, Utah County Attorney's Office
Paul Jones, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Vicky Westergard, Clerk/Auditor's Office
Michelle Araujo, Utah County Commission Office
Lisa K. Nielson, Utah County Commission Office
Brian Voeks, Utah County Commission Office
Sandy Hoffman, Utah County Assessor's Office
Bryce Armstrong, Community Development
Brandon Larsen, Community Development
Robert May, Community Development
Josh Ivie, Community Development
Brian Alba, Drug & Alcohol Prevention & Treatment
Michelle Allen, Drug & Alcohol Prevention & Treatment
Richard Nance, Drug & Alcohol Prevention & Treatment
Annie Nicholes, Drug & Alcohol Prevention & Treatment
Malyce Warner, Drug & Alcohol Prevention & Treatment
Josh Hogan, Utah County S.M.A.R.T. Coalition
Linda Nelson, Utah County S.M.A.R.T. Coalition
JoAnn Petrie, Utah County S.M.A.R.T. Coalition

Rebecca Martell, Children's Justice Center
Ralph Clegg, Utah County Health Department
Lana Jensen, Utah County Personnel Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Kim T. Jackson, Utah County Treasurer
Frank Mecham, Mecham Ranch
Michelle Mecham, Mecham Ranch
Chris Bagley, -No further information given-
Josh Chappell, -No further information given-
Garrett Dutton, -No further information given-
Eric Edwards, -No further information given-
Ron Mitchell, -No further information given-
Kurtis Robertson, -No further information given-
Danielle Downs, *The Daily Herald*
Merri Golightly, *KBYU 11 News*
Scott McKane, *Fox 13 News*
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:03 A.M. and welcomed those present. He excused Commissioner Lee and noted that Robert's Rules of Order would be waived for the purpose of making motions. The following matters were discussed:

PRAYER/READING/THOUGHT: Richard Nance, County Department of Drug and Alcohol Prevention & Treatment
PLEDGE OF ALLEGIANCE: Pat Bird, Utah County Department of Drug and Alcohol Prevention & Treatment

CONSENT AGENDA

1. RATIFY AN AGREEMENT FOR LEGAL SERVICES

The Board suggested this item be stricken from the agenda.
STRICKEN

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT WITH PROVO CITY LIBRARY FOR JANUARY 19-MARCH 1, 2016 TO PROVIDE MEETING SPACE FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER, FAMILY JUSTICE CENTER PROGRAM

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3. APPROVE (OR DENY) THE JOLLEY RANCH SUBDIVISION, PLAT 'A,' SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT

The Board suggested this item be stricken from the agenda.
STRICKEN

4. APPROVE (OR DENY) THE MECHAM RANCH SUBDIVISION, PLAT 'A,' SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT

5. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-19

6. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY SHERIFF'S OFFICE

7. RATIFICATION OF PAYROLL

8. RATIFICATION OF WARRANT REGISTER SUMMARY

Consent Agenda Item Nos. 2, and 4 through 8, were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

4. APPROVE A LOAN AGREEMENT BETWEEN UTAH COUNTY AND SOLDIER SUMMIT SPECIAL SERVICE DISTRICT

The Board suggested this item be stricken from the agenda.
STRICKEN

6. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 6-1, RELATED TO WARRANTY BOND REQUIREMENTS FOR LARGE SCALE DEVELOPMENTS

7. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 6-3, RELATED TO WATER SYSTEM REQUIREMENTS FOR SUBDIVISIONS APPROVED WITH CHANGES

The commissioners initially voted to adopt this item as part of the Consent Agenda, but later returned to discussion and a second vote after the closed meetings (*Pages 7-8*).

**Please refer to the final page of these minutes for additional notations.*

8. APPROVE AND AUTHORIZE AN AMENDMENT TO AGREEMENT NO. 2015-687 WITH THE UTAH DEPARTMENT OF HEALTH TO EXTEND FUNDING FOR THE STATE AND LOCAL PUBLIC HEALTH ACTIONS TO PREVENT AND CONTROL TYPE 2 DIABETES, HEART DISEASE, OBESITY AND ASSOCIATED RISK FACTORS

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE UNIVERSITY OF UTAH, DEPARTMENT OF PEDIATRICS FOR THE NEONATAL FOLLOW-UP PROGRAM

14. APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$24,100.00 TO SPRINGVILLE SENIOR CENTER FOR ELECTRICAL AND PLUMBING RENOVATIONS

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15. **RATIFY COMMISSION SIGNATURE ON A LETTER TO WELLSTEPS, LLC. REGARDING THEIR CONTRACT STATUS WITH UTAH COUNTY**
16. **ADOPT A RESOLUTION REAPPOINTING SAMUEL MARK OTTERSTROM AND KELLY ERCANBRACK TO THE UTAH COUNTY BOARD OF ADJUSTMENT**
17. **ADOPT A RESOLUTION REAPPOINTING KAREN MCCANDLESS TO THE UTAH COUNTY PLANNING COMMISSION**
18. **ADOPT A RESOLUTION REAPPOINTING LARRY A. ELLERTSON, DIANE LOHNER, HENRY M. YEATES, AND JEFF ACERSON TO THE UTAH COUNTY BOARD OF HEALTH**
19. **ADOPT A RESOLUTION APPOINTING TYLER COON TO THE GOSHEN VALLEY LOCAL DISTRICT BOARD OF TRUSTEES**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 3 were **stricken** from the agenda; No. **2** was **approved and authorized**; Nos. **4 and 5** were **approved**; No. **6** was **adopted**; and Nos. **7 and 8** were **ratified**.
Regular Agenda Item Nos. 4 and 9 were **stricken** from the agenda; Nos. **6, 7, and 16 through 19** were **adopted**; No. **8** was **approved and authorized**; No. **14** was **approved**; and No. **15** was **ratified**.

AGREEMENT NOS.: 2015-773, 2015-774, 2015-775, 2015-776, 2015-777 and 2015-778
RESOLUTION NOS.: 2015-149, 2015-150, 2015-151, 2015-152 and 2015-153
ORDINANCE NOS.: 2015-27 and 2015-28

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR DECEMBER 2015
Mike Brower of the Utah County Sheriff's Office was recognized as the Employee of the Month for December 2015.

2. PROCLAIM DECEMBER 1, 2015 AS 'COLLECTIVE RESPONSIBILITY DAY' ON BEHALF OF THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND THE UTAH COUNTY S.M.A.R.T. COALITION

Michelle Allen of the Utah County Department of Drug and Alcohol Prevention and Treatment came forward with S.M.A.R.T. (Substance Misuse and Abuse Reduction Team) Coalition Chair Josh Hogan. They discussed the importance of preventive measures for drug abuse by youth in the county, working with law enforcement and other serving organizations. Mr. Hogan read the following proclamation for the record:

- ▶ WHEREAS, states around the nation have been allowing marijuana consumption; and
- ▶ WHEREAS, there have been marijuana bills presented in Utah and there is a continual push from outside organizations to legalize marijuana in our state; and
- ▶ WHEREAS, according to the Utah County 2015 SHARP data, 15.1% of Utah County high school seniors have experimented with marijuana; and

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- ▶ WHEREAS, the “Utah Cannabis Guiding Principles,” states as one of four principles to “Protect Families: The abuse of marijuana harms youth, adults, families, and communities. We support laws that send clear messages to youth and adults – no smoking, vaporizing, or eating marijuana. Research shows marijuana can damage the teen brain, cause addiction, affect memory, decrease motivation, increase onset of mental illness and impair motor skills. Research also shows fewer youth believe marijuana use is harmful and marijuana use among youth is steadily rising. Lawmakers should adopt drug policies” based on hard science and reliable data “that promote a healthy community;” and
- ▶ WHEREAS, the Utah County SMART Coalition (Substance Misuse and Abuse Reduction Team) would like to promote protection of youth through healthy policy and is launching a public message; and
- ▶ NOW, THEREFORE, the Commissioners of Utah County do hereby proclaim December 1st **Collective Responsibility Day** and urge all citizens to work collectively throughout the year to protect youth, adults, families and communities from the dangers from marijuana and other harmful substances.

Commissioners Ellertson and Graves commended Michelle Allen, Josh Hogan, and their teams for their work in protecting youth and family in Utah County.

Commissioner Graves made the motion to proclaim December 1, 2015 as “Collective Responsibility Day” as defined in Regular Agenda Item No. 1. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

PROCLAMATION NO. 2015-4

Michelle Allen displayed the new billboard design for a “Let’s Be Blunt” campaign warning against the dangers of marijuana. The commissioners signed a large display copy of the proclamation and posed for photographs with the S.M.A.R.T. Coalition.

3. APPROVE THE MINUTES OF THE OCTOBER 27, 2015 COMMISSION MEETING

Commissioners Ellertson and Graves pointed out some typographical errors for correction.

Commissioner Graves made the motion to approve the minutes of the October 27, 2015 Commission meeting with any corrections as noted in Regular Agenda Item No. 3. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

APPROVED WITH CHANGES

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR1023 COPIER, SERIAL NUMBER TJR28622, LOCATED IN THE UTAH COUNTY JAIL; EXPIRES 08/31/2016

Commissioner Ellertson noted this is for the continued maintenance of a copier, and Commissioner Graves mentioned the county is working towards an arrangement with Canon Solutions America to consolidate the copier contracts into one document rather than addressing each machine individually throughout the year.

Commissioner Graves made the motion to approve the maintenance agreement with Canon Solutions America for the copier at the Utah County Jail as detailed in Regular Agenda Item No. 5.

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The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

AGREEMENT NO. 2015-779

10. ACCEPT AND APPROVE AMENDMENT NO. 2 TO AGREEMENT NO. 2015-421 WITH THE STATE OF UTAH DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH, AMENDING THE ALLOCATION FOR SFY 2016

Commissioner Ellertson and Utah County Department of Drug and Alcohol Prevention and Treatment Director Richard Nance discussed the required county match in order to receive the funding from the state.

Commissioner Graves made the motion to accept and approve Amendment No. 2 to Agreement No. 2015-421 with the State of Utah Division of Substance Abuse and Mental Health as outlined in Regular Agenda Item No. 10. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

AGREEMENT NO. 2015-780

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT FOR THE BOX ELDER SOUTH SUBDIVISION IN THE AMOUNT OF \$326,820.41

Utah County Public Works Director Richard Nielson confirmed for Commissioner Ellertson that his office is in possession of the notarized documents.

Commissioner Graves made the motion to approve and authorize the subdivision and warranty agreement for the Box Elder South Subdivision in the amount of \$326,820.41 as specified in Regular Agenda Item No. 11. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

AGREEMENT NO. 2015-781

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2016 WILDLAND FIRE SUPPRESSION BUDGET FOR THE UTAH DIVISION OF FORESTRY, FIRE, & STATE LANDS

The commissioners discussed the timeline of the budget, and Dalene Higgins of the Utah County Sheriff's Office noted the insurance comparisons and fees are satisfactory, and have always been paid by the county.

Commissioner Graves made the motion to approve and authorize the 2016 Wildland Fire Suppression Budget for the Utah Division of Forestry, Fire, & State Lands as identified in Regular Agenda Item No. 12. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

AGREEMENT NO. 2015-782

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13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FINANCIAL AGREEMENT WITH THE OFFICE OF DR. SAM GOLDSTEIN, EXPERT WITNESS

Utah County Clerk/Auditor Bryan E. Thompson noted the account number was not identified within the agenda request, so he had to make an educated guess. Assuming the expenses would come from the 100-41451-3100 Professional Services budget, only fifty cents remains in that account for this year and no amount has been specified for 2016. Utah County Attorney Jeffrey Buhman explained the trial is set for February 2016 and he had requested \$20,000 for the 2016 budget to be included to cover those costs. Commissioner Ellertson asked Mr. Thompson to double-check the figures.

Commissioner Graves made the motion to approve and authorize a financial agreement with the Office of Dr. Sam Goldstein, Expert Witness as defined in Regular Agenda Item No. 13. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

AGREEMENT NO. 2015-783

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

22. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

STRICKEN

23. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

STRICKEN

Commissioner Graves made the motion to strike Regular Agenda Item Nos. 22 and 23 to set dates, times, and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares; and for a strategy session to discuss the sale of real property, water rights, or water shares. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

20. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

Commissioner Graves made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

SET

- 21. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY’S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments.

This concluded discussion of all scheduled agenda items, and the meeting recessed at 9:38 A.M. to go into closed sessions. The public meeting reconvened at 10:04 A.M., and the commissioners requested Regular Agenda Item No. 7 be re-opened for discussion.

REGULAR AGENDA

- 7. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 6-3, RELATED TO WATER SYSTEM REQUIREMENTS FOR SUBDIVISIONS**

Utah County Deputy Attorney Robert J. Moore suggested the word “platted” be removed from the third paragraph on Page 3 of the ordinance, related to building sites. An updated and corrected copy would be signed and recorded.

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Commissioner Graves made the motion to withdraw the previous motion of adoption by Consent, and instead to adopt the ordinance with the changes as discussed in Regular Agenda Item No. 7. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

ORDINANCE NO. 2015-28
APPROVED WITH CHANGES

**Please refer to the final page of these minutes for additional notations.*

This concluded the open meeting.

Commissioner Graves made the motion to adjourn the December 1, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:07 A.M. The minutes of the December 1, 2015 Commission meeting were approved as transcribed on January 5, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 7:**

After initially choosing to adopt Regular Agenda Item No. 7 by Consent Agenda earlier in the meeting, the commissioners returned the item to the table immediately following closed sessions; it was approved with a minor correction by unanimous vote.

Copies available on the Utah County website at www.utahcounty.gov
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant